REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed June 23, 2005. Claims 1-24 and 26-30 are pending in the Application (Claim 25 having been withdrawn from consideration previously). Claims 1-3, 5, 6, 18-24, and 27-30 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Elliot et al. (U.S. Patent No. 6,587,470). Claim 6 stands rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ganmukhi et al. (U.S. Patent No. 5,953,314). Claims 1, 6, and 29 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zheng et al. (U.S. Patent No. 6,611,522). Claims 4, 7-15, 20, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. as applied to Claims 1, 6, 23, and 29, and further in view of Rao (U.S. Patent No. 6,789,118). Finally, Claims 1 and 30 stand objected to for minor informalities.

In response to the above rejections and objections, Claims 1, 5-21, 23, 24, 27, and 29 have been amended to further clarify the subject matter which Applicants regard as the invention and Claim 30 has been canceled, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

Rejection of Claims 1-3, 5, 6, 18-24, and 27-30 Under 35 U.S.C. 102(e) - Elliot et al.:

Claims 1-3, 5, 6, 18-24, and 27-30 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Elliot et al. (U.S. Patent No. 6,587,470).

In response to this rejection, independent Claim 1 has been amended to recite:

1.   A method of establishing a path for data transmissions in a network device having a plurality of port cards, a plurality of forwarding cards and *a cross-connection card* for providing a plurality of possible paths between the port cards and the forwarding cards, the method comprising:

defining a configuration policy designating internal connection paths within the network device between the port cards and the forwarding cards, and

utilizing said configuration policy to configure *the cross-connection card* for establishing said internal connection paths between the port cards and the forwarding cards for transmitting packetized payload data therebetween,

wherein the cross-connection card transmits said packetized payload data without examining destination-related header information contained within said packetized payload data.

Corresponding amendments have been made to independent Claims 6, 23, and 29. These amendments are fully supported in the first full paragraph on page 75 of the Application (under the heading "Policy Based Provisioning"), as is described in greater detail below.

Elliot et al. disclose the use of a switch fabric card (XC) 120, which Examiner asserts is equivalent to the cross-connection card of the present invention. For example, at column 9, line 35, Elliot et al. state that the XC 120 provides the switching fabric for the system.

Applicants submit, however, that a switch fabric card is not equivalent to a cross-connection card. This is clearly stated in the first full paragraph on page 75 of the Application (under the heading "Policy Based Provisioning"), which states:

> *Unlike the switch fabric card, the cross-connection card does not examine header information in a payload to determine where to send the data.* Instead, the cross-connection card is programmed to transmit payloads, for example, SONET frames, between a particular serial line on a universal port card port and a particular serial line on a forwarding card port regardless of the information in the payload. As a result, one port card serial line and one forwarding card serial line will transmit data to

each other through the cross-connection card until that programmed connection is changed.

Elliot et al., at several places, state that their switch fabric card based system does indeed examine header information in a payload to determine where to send the data. For example, column 11, lines 58-64, indicate "the SCL includes *SONET overhead bytes* located within the *SONET overhead channel* 704 ... *SONET overhead bytes* can also include orderwire, and K1 and K2 automatic protection switch (APS) bytes." Likewise, column 12, lines 37-40, indicate "bytes (*such as SONET overhead bytes*) are collected from various high speed network interface cards 400 and from various low speed network interface cards 420 and are sent to their destination cards."

This difference between the invention of Elliot et al. and the invention of the present Application is now made explicit in amended independent Claims 1, 6, 23, and 29. Therefore Applicants submit that the rejection of Claims 1-3, 5, 6, 18-24, and 27-30 under 35 U.S.C. 102(e) as being clearly anticipated by Elliot et al. has now been overcome and respectfully request that this rejection be withdrawn.

It should be noted that Examiner previously rejected now-canceled Claim 30, which recited "wherein said configuration policy causes the cross-connection card to establish said internal connection path regardless of information contained in the payload," citing column 3, lines 22-36, of Elliot et al. This passage, however, indicates only that a variety of electrical connections may be supported by the switch fabric card based system. It does not address the proposed limitation(s) described above.

Rejection of Claim 6 Under 35 U.S.C. 102(e) - Ganmukhi et al.:

Claim 6 stands rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ganmukhi et al. (U.S. Patent No. 5,953,314).

The above arguments apply with equal force to Ganmukhi et al., which clearly indicate that two switch fabric cards 16,18 are used (see, for example, column 2, lines 38-41; Figures 1 and 4).

Therefore Applicants submit that the rejection of Claim 6 under 35 U.S.C. 102(e) as being clearly anticipated by Ganmukhi et al. has now been overcome and respectfully request that this rejection be withdrawn.

Rejection of Claims 1, 6, and 29 Under 35 U.S.C. 102(e) - Zheng et al.:

Claims 1, 6, and 29 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zheng et al. (U.S. Patent No. 6,611,522).

The above arguments apply with equal force to Zheng et al., which clearly indicate that the interconnect module cards 24 used do indeed examine header information in a payload to determine where to send the data (see, for example, Figures 12, 14-18, 20, 25, and 27, referring variously to payload overhead and/or headers related to and used for routing).

Therefore Applicants submit that the rejection of Claims 1, 6, and 29 under 35 U.S.C. 102(e) as being clearly anticipated by Zheng et al. has now been overcome and respectfully request that this rejection be withdrawn.

Rejection of Claims 4, 7-15, 20, and 26 Under 35 U.S.C. 103(a) - Elliot et al. and Rao:

Claims 4, 7-15, 20, and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. as applied to Claims 1, 6, 23, and 29, and further in view of Rao (U.S. Patent No. 6,789,118).

The above arguments with regard to Elliot et al. apply with equal force here, and these deficiencies are not remedied by Rao.
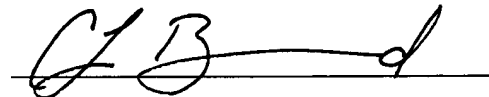
Therefore Applicants submit that the rejection of Claims 4, 7-15, 20, and 26 under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. as applied to Claims 1, 6, 23, and 29, and further in view of Rao, has now been overcome and respectfully request that this rejection be withdrawn.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: September 22 , 2005

Christopher L. Bernard
Registration No.: 48,234
Attorney for Applicants

DOUGHERTY, CLEMENTS, HOFER, BERNARD & WALKER
1901 Roxborough Road, Suite 300
Charlotte, North Carolina 28211 USA
Telephone: 704.366.6642
Facsimile: 704.366.9744
cbernard@worldpatents.com